

## **REMARKS**

Claims 1-20, 22-26, 28, 30, 33, 34 and 37 are pending with claims 1, 33 and 37 being in independent form. Claims 1, 20, 33 and 37 have been amended. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

### ***Interview Summary***

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Tuesday, August 3, 2011. During the telephonic interview Applicant's discussion turned to a proposed amendment to claim 1 provided by Applicant's representative. The Examiner and Applicant's representative agree that adding a limitation of determining whether a received location area identifier (LAI) is within range of a pre-stored LAI and determining whether the LAI matches the pre-stored LAI in case the received LAI is within range of the pre-stored LAI as part of the checking step would overcome the rejection as it currently stands.

### ***Claim Rejections under 103***

#### **Rejections based on Gallant in view of Odorfer**

- I. Claims 1-17, 19-20, 22-25, 28, 30, 33, 34 and 37 are rejected under 35 U.S.C. §103(a) as being obvious over 5,802,468 to Gallant et al. ("Gallant") in view of U.S. Patent 7,587,205 to Odorfer et al. ("Odorfer").

Independent Claim 1 has been amended herein to better define Applicant's invention over the combination of Gallant and Odorfer. It is respectfully submitted that Claim 1, as amended, now recites limitations and/or features which are not disclosed by Gallant and Odorfer, alone and in any reasonable combination. That

is, the cited portions of Gallant and Odorfer do not anticipate claim 1, because the cited portions of Gallant and Odorfer, individually or in combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Gallant and Odorfer fail to disclose or suggest,

*comparing a received location area/cell (LAC/CI) identifier with pre-stored LAC/CI identifiers to determine whether the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers, and  
determining if the received LAC/CI identifier matches one of the pre-stored LAC/CI identifiers, in the case where it is determined that the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers,  
wherein said pre-stored LAC/CI identifiers are stored in a memory on the subscriber identity module (SIM)*

As discussed during the telephonic interview of 8/3/11, the Examiner and Applicant's representative agree that adding a limitation of determining whether a received location area identifier (LAI) is within range of a pre-stored LAI and determining whether the LAI matches the pre-stored LAI in case the received LAI is within range of the pre-stored LAI as part of the checking step would overcome the rejection as it currently stands.

In the Office Action, the Examiner correctly acknowledged that Gallant fails to disclose each module is configured to determine whether a respective mobile device is located inside the at least one subscriber territory by checking whether the received coordinates of the at least one location area in which the mobile device is located falls into the at least one subscriber territory associated with the mobile device, wherein said checking step comprises comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates  $X_{h\text{-area}}$ ,  $Y_{h\text{-area}}$  with stored

coordinates of the at least one subscriber territory including a location point defined by coordinates  $X_{h\text{-territory}}$ ,  $Y_{h\text{-territory}}$  and a radius  $R_{h\text{-territory}}$  that fixes a circle around the location point. (See 3/17/11 Office Action, p. 4). To cure this deficiency, the Examiner refers to Odorfer. Specifically, the Examiner refers to col. 6, lines 50-67 and col. 7, line 1 of Odorfer. The Examiner relies on Odorfer to teach the recitation in claim 1 of a checking step, comprising:

*"comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates  $X_{h\text{-area}}$ ,  $Y_{h\text{-area}}$  with stored coordinates of the at least one subscriber territory including a location point defined by coordinates  $X_{h\text{-territory}}$ ,  $Y_{h\text{-territory}}$  and a radius  $R_{h\text{-territory}}$  that fixes a circle around the location point."*

Applicants note that the above claim recitation has been canceled in favor of the newly recited claim recitation, see *supra*, which was acknowledged by the Examiner as being distinguishable over the combination of Galant and Odorfer, repeated here as follows:

*comparing a received location area/cell (LAC/CI) identifier with pre-stored LAC/CI identifiers to determine whether the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers, and  
determining if the received LAC/CI identifier matches one of the pre-stored LAC/CI identifiers, in the case where it is determined that the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers,  
wherein said pre-stored LAC/CI identifiers are stored in a memory on the subscriber identity module (SIM)*

It is instructive to briefly review Applicant's newly claimed embodiment which **does not require** the transmission of the coordinates of the location area and of the radio cells to the mobile device.

Applicants note that the invention is generally directed to determining, via a determination unit, whether a mobile device is located inside a subscriber territory. The means by which this can be determined resides in a subscriber identity module (SIM) module on the mobile device. This allows mobile devices to be used which do not have a special functionality to carry out the determination.

The determination unit is designed such that information can be transmitted to a mobile device whether the mobile device is located in a subscriber territory or not. The determination unit receives identity data of the location areas or radio cells in which the mobile device is located to carry out the determination. Location areas are typically arranged in a total territory covered by a communications system and one or more radio cells are located within this system. The subscriber territories can include one or more location areas in whole or part or otherwise only cover part of a location area.

Both the location areas and the radio cells have identifiers which are designated in the following by LAC (location area code) as the identifier for the location area and by CI (cell ID) as the identifier for the radio cell. A radio cell can thus be identified unambiguously when it is indicated in which location area the radio cell is located and which identifier the radio cell has inside the location area. The identifier LAC/CI thus represents a designation clearly defining the radio cell.

The communication system provides means of which the identity data of the location areas and/or of the radio cells can be transmitted to the mobile devices. The transmitter and receiver stations of the communications system preferably transmit the identifier LAC/CI to the mobile devices.

In accordance with the newly claimed embodiment, as shown in Fig. 3, means can be provided in the module and/or in the determination unit of the communications system by means of which the identity data of the location area or of the radio cell (*a received location area/cell (LAC/CI) identifier*) in which the mobile device is located are compared with the data characterizing the subscriber territory (*one of the pre-stored LAC/CI identifiers*). Claim 1 recites in relevant part, *comparing a received location area/cell (LAC/CI) identifier with pre-stored LAC/CI identifiers to determine whether the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers,*

A memory (e.g., HZ cache) with identifiers LAC/CI of the radio cells which are located in a subscriber territory, is located in the SIM module. Claim 1 recites in relevant part, *wherein said pre-stored LAC/CI identifiers are stored in a memory on the subscriber identity module (SIM) module.* In one embodiment, provision can be made with location areas which are disposed fully inside a subscriber territory for only the identifiers of the location areas LAC to be stored in the subscriber identity module (SIM) module. In another embodiment, with smaller subscriber territories, it will generally be necessary to use the identifier LAC/CI unambiguously characterizing a radio cell and to compare it with a stored value.

If the received identifier is not found amongst the stored identifiers, no control signal is output by the subscriber identity module (SIM) module for the indication of the belonging to a subscriber territory to the mobile device and the procedure is ended. Claim 1 recites in relevant part, *determining if the received LAC/CI identifier matches one of the pre-stored LAC/CI identifiers, in the case where it is determined that the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers.*

Thus, Applicants respectfully submit that neither Gallant nor Odorfer suggest the newly added limitations of claim 1 and that claim 1 is allowable. Because claims 2-17, 19-20, 22-25, 28 and 30 depend on, and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are allowable.

Independent Claims 20, 33 and 37, as amended, recite similar subject matter as Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 33 and 37 are believed to contain patentable subject matter. Claim 34 is believed to be allowable, at least by virtue of its respective dependence from claim 33.

**103 Rejections based on Gallant in view of Odorfer and further in view of Sambin**

Claims 18 and 26 are rejected under 35 U.S.C. §103 as being obvious over Gallant in view of Odorfer and further in view of U.S. Patent 7,110,776 to Sambin ("Sambin").

As explained above, the cited portions of Gallant and Odorfer do not disclose or suggest each and every element of claim 1 from which claims 18 and 26 depend. Sambin does not disclose each of the elements of claim 1 that are not disclosed by Gallant and Odorfer. For example, the cited portions of Sambin fail to disclose or suggest

*comparing a received location area/cell (LAC/CI) identifier with pre-stored LAC/CI identifiers to determine whether the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers, and*

*determining if the received LAC/CI identifier matches one of the pre-stored LAC/CI identifiers, in the case where it is determined that the received LAC/CI identifier is in the range of the pre-stored LAC/CI identifiers,*

*wherein said pre-stored LAC/CI identifiers are stored in a memory on the subscriber identity module (SIM)*

Thus, the cited portions of Gallant, Odorfer and Sambin, individually or in combination, do not disclose or suggest at least one element of claim 1.

Hence claim 1 is allowable and claims 18 and 26 are allowable, at least by virtue of their respective dependence from claims 1 and 20 respectively.

### **Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20, 22-26, 28, 30, 33-34 and 37 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Scaturro, Esq., at 516-414-2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Scaturro', is written over a horizontal line.

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